

MONTANA LEGISLATIVE HISTORY

Chapter 60 19 57

Bill H _____ S 18

Original bill & history ✓ C

H. Committee on Ed + Gann

Hearing Date(s) 2/12 ✓ C

2/14 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Ed + Gann

Hearing Date(s) 1/22 ✓ C

1/25 ✓ C

_____ C

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Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

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SENATE BILL NO. 18

Introduced by Sagunsky and Goodwin

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DESTRUCTION OF GAME ANIMALS CAUSING PROPERTY DAMAGE AND PROVIDING FOR THE SUPERVISION, CONTROL, AND DISPOSITION THEREOF BY THE STATE FISH AND GAME DEPARTMENT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Upon the request or complaint of any landholder, or person in possession and having charge of any land in the state, that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the said property or crops thereon, the State Fish and Game Department may investigate and study the situation with respect to damage and depredation. The Department may then decide to open a special season on the said game, or if the special season method be not feasible, then the department may destroy the animals causing the damage. Provided, further, that the Fish and Game Department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. The number to be killed shall be specified by the warden or wardens of the district.

Section 2. Provided, further, that the meat of all animals so killed or destroyed shall be conserved and given to the nearest state institutions or to the school lunch programs.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

January 22, 1957

A meeting of the committee on Fish and Game was called to order by the Chairman, Senator Durkee, in Room 404 of the Capitol Building, at 11:40 A. M., on January 22, with the following members present.

Senators Grant, Wilson, LaCombe, Goodwin, Ringling, Valiton, Scofield, Sagunsky, Cole - Senators Brenner and MacKay were excused.

Senator Durkee opened the meeting by calling on Senator Grant who introduced Senate Bill 17, Mr. Walt J. Everon of the Fish and Game Commission and Al Regal of the Montana Wildlife Federation added a few thoughts to Senator Grant's explanation. Senate action was waved for discussion of further bills.

Senate Bill 18 was explained by Senator Sagunsky who brought out the major problems of ranchers living in territory over-run by game. Discussion was held.

The committee then held a closed discussion of the bills. Senator Ringling proposed that a sub-committee work out an amendment for Senate bill 17 that would not destroy the intent of the bill but which would limit the purchase of permits to one for non-resident hunters. Senator Valiton seconded this motion and it was carried.

The sub-committee appointed by Senator Durkee consisted of Senators, Ringling, LaCombe, and Valiton.

After more discussion on Senate bill 18 it was decided and stated by Senator Sagunsky that Senate bill 18 should be amended by striking the balance of line 25 after the word 'damage.' and all of line 26, and as of amendment Do Pass. This was seconded by Senator Cole and carried.

A motion to adjourn was made by Senator Ringling and seconded by Sen. Durkee. Motion carried


CHAIRMAN

January 29, 1957

A meeting of the committee on Fish and Game was called to order by the Chairman, Senator Durkee, in Room 404 of the Capitol Building, at 2:15 P. M., on January 29, with the following members present.

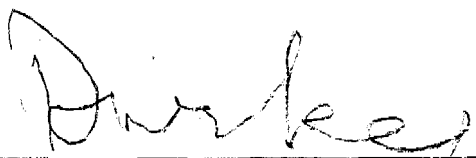
Senators Grant, LaCombe, Goodwin, Valiton, Brenner, Scofield, Sagunsky, Cole

Senator Durkee opened the meeting by calling on Senator Sagunsky who introduced Bill #18 with the amendments which had been drawn up. Discussion was held and a movement was made by Senator Sagunsky that this bill Do Pass as amended. The movement was seconded by Grant and carried.

Senate Bill #61 was then brought up. Discussion was held and a repealing clause was inserted in the title and also on Section 2, page 2. With these changes as amendments it was moved by Senator Sagunsky and seconded by Senator Brenner, that this bill Do Pass. Motion carried.

Senate Bill #63 was then introduced along with an amendment drawn up by Senator Durkee which consisted of inserting the words Matter Deleted on line 16 of the original bill. Senator Scofield moved this bill Do Pass as amended and Senator Sagunsky seconded the motion. Motion carried.

A motion was made by Senator Sagunsky to adjourn the meeting. Senator Cole seconded the motion and it was carried by a unanimous vote.


CHAIRMAN

February 12, 1957

FISH AND GAME COMMITTEE

The Committee met at 12:45 o'clock, with eighteen members present. A discussion was held on Senate Bill #17, relating to special non-resident antelope and deer licenses. A motion was made and seconded that Senate Bill #17 do pass. A substitute motion was made, seconded and killed that Senate Bill #17 do not pass. The original motion was reconsidered and it was voted that Senate Bill #17 do pass.

HB #371, relating to licenses, was considered and amended. Upon motion duly made, seconded and passed it was voted that HB #371 do pass, as amended.

Senate Bill #61, relating to definitions, to add chukar partridges to the definition of upland game birds, to delete fox from the fur-bearing animal list, to add black-footed ferret to the fur-bearing animal list, and to add fox to the predator animal list, and to delete black-footed ferret from the predator animal list, was considered by the Committee. Upon motion duly made, seconded and passed it was voted that Senate Bill #61 do not pass.

Senate Bill #104, relating to game preserves in Montana, was held up for the day.

Senate Bill #63, relating to Ex-Officio state fish and game wardens and their appointment and qualifications, was considered. Upon motion duly made, seconded and passed it was voted that Senate Bill #63 do not pass.

Senate Bill #18 will be considered at a later date by the Committee.

There being no further business, the meeting adjourned.



Arnold Rieder, Chairman

February 14, 1957

FISH AND GAME COMMITTEE

The Committee met at 1:00 o'clock P.M., with fifteen members present. Senate Bill #18, relating to the destruction of game animals causing property damage and providing for the supervision, control and disposition thereof by the State Fish and Game Department, was discussed.

Proponents appearing:

Walter G. Sagunsky, Senator from Madison County.

Lester C. Goodwin, Senator from Broadwater County.

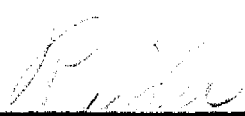
Al Riegel, representing the Montana Wild Life Federation.

Dan Fulton, representing the Montana Stockgrowers' Association and the Montana Woolgrowers' Association.

These facts were discussed: Conservation of game; attitude of wild life people toward this legislation; spraying of hay stacks; removal of a specified number of animals by the Fish and Game Department; killing of leaders of the herds; disposition of game killed; salt licks; opposition by rod and gun clubs and giving of wild meat to state institutions. Upon motion duly made, seconded and passed it was voted that Senate Bill #18 do pass.

The possibility of an amendment to Senate Bill #17, which was passed February 12th, was discussed and it was agreed that this committee report and bill would be held up until the next meeting of the Committee.

No further discussion, the meeting adjourned.



Arnold Rieder, Chairman

Tagging.

Permit for
shipment out
of state.Repealing
clause.Effective
immediately
to Dec. 31,
1958.

license shall be issued in any one year to a nonresident. The tagging of game carcasses, as required by law, shall apply to all persons who purchased the special nonresident licenses herein provided. There shall be attached to each special nonresident antelope or deer license a permit which will authorize the holder thereof to ship or transport out of the state one (1) carcass of an animal for which such license was issued.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval until December 31, 1958.

Approved March 1, 1957.

CHAPTER 60

An Act Authorizing the Destruction of Game Animals Causing Property Damage and Providing for the Supervision, Control and Disposition Thereof by the State Fish and Game Department; Repealing All Acts and Parts of Acts, in Conflict Herewith; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Complaint of
damage to
property by
wild game
protected under
fish and game
laws.Special season
is authorized
or destruction
of such wild
game by fish
and game dept.Holder of
property may
kill.Wild and
ferocious
animals
excepted.

Section 1. Upon the request or complaint of any landholder, or person in possession and having charge of any land in the state, that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the said property or crops thereon, the state fish and game department shall investigate and study the situation with respect to damage and depredation. The department may then decide to open a special season on the said game, or if the special season method be not feasible, then the department may destroy the animals causing the damage. Provided, further, that the fish and game department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. Provided, further, no wild ferocious animal damaging property or endangering life shall be covered by this act.

Section 2. Provided, further, that the meat of all animals so killed or destroyed by the fish and game department or the authorized landholder shall be conserved and given to state institutions or to the school lunch programs, or welfare department. It shall be the duty of the fish and game department to provide transportation and distribution of the meat killed under the authorization of this act.

Conservation
of meat
for state
institutions.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved March 1, 1957.

CHAPTER 61

An Act to Amend Section 80-705 of the Revised Codes of Montana of 1947, Relating to the Salary of the Warden Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 80-705, Revised Codes of Montana, 1947, are hereby amended to read as follows:

Amending
clause.

"80-705. **Warden — Appointment, Salary and Removal.** A warden of the state prison shall be appointed by the governor, and such appointment must be transmitted to and approved by the senate. The tenure of office of the appointee shall be for a period of four (4) years from the date of appointment and until his successor has been appointed and qualified. The salary of the warden is hereby fixed at the sum of *seven thousand five hundred dollars (\$7,500.00)* per year, payable in monthly installments of *six hundred twenty-five dollars (\$625.00)* each, at the end of each and every month. The warden shall be subject to removal by the state board of prison commissioners at any time for misfeasance, nonfeasance, or malfeasance in office, but before he is so removed formal charges in writing must be preferred and the warden given opportunity to appear and defend himself against any such charges. When charges shall have

Warden of
state prison
appointment,
term, salary,
removal.